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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/786,568	05/11/2001	Joachim Gluck	01-185	3908
7590		10/31/2003	EXAMINER	
Bachman & LaPointe		LE, MARK T		
Suite 1201		ART UNIT		
900 Chapel Street		PAPER NUMBER		
New Haven, CT 06510-2802		3617		

DATE MAILED: 10/31/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/786,568

Applicant(s)

GLUCK, JOACHIM

Examiner

Mark T. Le

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 10 September 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 120-144 is/are pending in the application.
- 4a) Of the above claim(s) 122-130 and 134-144 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 120-121 and 131-133 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

1. This communication is responsive to the amendments filed September 10, 2003. Applicant's amendments and arguments have been carefully considered.
2. Claims 120-121 and 131-133 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In claim 120, lines 6-7, the expression "extending from said composite profiled section" is not clear. It is believed that it was meant to be -- extending from said basic profiled section--. Proper correction is required.

3. Claims 120-121 (120 as best understood) are rejected under 35 U.S.C. 102(b) as being anticipated by either Japanese reference '434 or Scofield (US 3,733,696).

Japanese reference, Fig. 4, shows a profiled section as recited in the instant claims, including basic section 10 and surface coating H; wherein, the surface coating includes recesses 16 for receiving joining profiled section 27. Regarding the claimed anchor bar of claim 121, consider the corresponding portion of the Japanese reference, which is the longitudinal edge portion of surface coating H.

Scofield discloses a profiled section as recited in the instant claims, including basis section 30 and surface coating 20; wherein, the surface coating includes recesses on the side thereof for receiving fasteners 24, which fasteners are readable as a joining profiled section. Regarding the claimed anchor bar of claim 121, the longitudinal edge portions of surface coating 20 of Scofield are readable as anchor bars.

Regarding the expression "joining profiled section", note that fasteners 24 and 27 of Scofield and Japanese reference are inherently profiled sections that are used for joining; therefore, these fasteners are readable as "joining profiled sections" as broadly recited in the instant claim.

Regarding the claimed joining profiled section being selected from the group consisting of a profiled section limb, an extruded section with a plurality of recesses, and a grooved wedge, as recited in instant claim 120, note that joining profiled sections 24 and 27 of Scofield and the Japanese reference are readable as a profiled section limb extending from the profiled section, which is one of the claimed alternatives; therefore, the broadly claimed limitation is considered met.

4. Regarding Applicant's argument directed to the broadly claimed profiled section limb extending from the profiled section, in applicant's last amendment papers, note that the claim language is broad enough to also cover fasteners, such as elements 24 and 27 of Scofield and the Japanese reference, that are connected to the associated profiled section.

5. Claims 131-133 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action.

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not

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mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mark T. Le whose telephone number is 703-308-3663. The examiner can normally be reached on Mon-Fri (8:00-5:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Samuel Morano can be reached on 703-308-0230. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.



Mark T. Le  
Primary Examiner  
Art Unit 3617

mle  
10/30/03